

REMARKS

Introduction

Claims 1-3, 5-12, 14-24, 26-33, 35-44 and 46 are currently pending in the present application. For at least the reasons set forth below, Applicants submit the claims are in condition for allowance.

Telephone Interview with Examiner Willett

Applicant's attorney thanks Examiner Willett for niceties extended in the telephone interview conducted February 6, 2007. An agreement was reached that Willett fails to disclose the claimed limitations as recited in claim 1, including the limitation of the "weighting factor." It is also understood that Examiner Willett generated an Interview Summary report indicating the same and this report is to be made part of the file.

Due to the requirement of Supervisory Examiner approval for the allowance of all pending claims, Applicants submit the following After Final response.

Rejection of claims under 35 U.S.C. §102(e)

Claims 1-3, 5-24, 26-44, 46 and 53-55 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,530,024 (hereinafter referred to as "Proctor"). As to claims 1-3, 5-12, 14-24, 26-33, 35-44 and 46, the rejection is improper because Proctor fails to identically disclose each of the claimed limitations.

To anticipate a claim under 35 U.S.C. §102(e), a single prior art reference must identically disclose each and every claim feature. See Lindeman Maschinenfabrik v. American Hoist and Derrick, 730 F.2d 1452, 1458 (Fed. Cir. 1984). If any claim feature is absent from a prior art reference, it cannot anticipate the claim. See Rowe v. Dror, 112 F.3d 473, 478 (Fed. Cir. 1997).

For the sake of brevity, Applicants resubmit the previously-submitted position offered in the response filed February 21, 2006.

Claims 1, 22 and 43, recite the limitation of "determining said action response based upon said pre-defined set of rules and based upon a weighting factor applied to recorded historical outcomes for monitored events," as recited in amended claim 1. As illustrated in Fig.7, steps S710-S770 and page 13, line 20 to page 14, line 15 of the Application, the approach can be used to look at previous events to determine if one or more events have any historical significance. This technique can determine, for example, if an event may have been a part of a long term attack, for example.

As noted in the response filed February 21, 2006, Proctor discloses adapting security procedures based on computing environment activity, including utilizing defined security procedures. The adaptive feedback system of Proctor actively monitors the processing environment, detecting security incidents based on the defined security procedures.

In support of the present rejection, the Office Action asserts that the “immoderate steps” of Proctor discloses the “weighting factor” of claim 1 and these immoderate steps therefore anticipates the limitation of “determining said action response based upon said pre-defined set of rules and based upon a weighting factor applied to recorded historical outcomes for monitored events.” (emphasis added). Applicants respectfully disagree (and as per the Telephone Interview, the Examiner does also).

Rather, the “immoderate steps” of Proctor relate specifically to “security response actions.” In the passage from col. 7 line 5 through line 14, Proctor discloses the “immoderate steps” as being the possible actions of shutting down a target computer, logging off a particular user, minimizing access granted to a suspected user, or other action. The immoderate steps of Proctor are post-determination activities, which is inconsistent with the claimed “weighting factors” that are applied to “recorded historical outcomes for monitored events.” As such, claims 1, 22 and 43 are patentable as not being anticipated by Proctor.

As to claims 2-3, 5-12, 14-22,, 23, 26-33, 35-42, 44 and 46, these claims depend from claims 1, 22 and 43, respectively, and recite further patentable subject matter in view thereof. For at the least reasons stated above with respect to claims 1, 22 and 43, Proctor further fails to identically disclose the limitations of dependent claims 2-3, 5-12, 14-22,, 23, 26-33, 35-42, 44 and 46.

Therefore, Applicants submit the rejection is improper and claims 1-3, 5-12, 14-24, 26-33, 35-44 and 46 are patentable in view of Proctor. Applicants respectfully request reconsideration and withdrawal of this rejection.

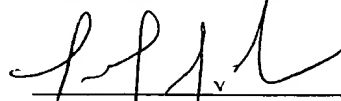
Conclusion

In light of the foregoing, Applicants respectfully submit that all of the pending claims are in condition for allowance. It is therefore respectfully requested that the rejections be withdrawn. Prompt reconsideration and allowance of the present application are therefore respectfully requested.

Respectfully submitted,
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